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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
JACKIE PERR)
(for Matthew Perri),)
)
)
) No. 09-0371
vs.)
)
Northern Illinois Gas Comapny)
d/b/a Nicor Gas Company,)
)
Respondent.)
)

Chicago, Illinois
September 9, 2009

Met, pursuant to notice, at 11:00.

BEFORE:

MS. LESLIE HAYNES, Administrative Law Judge

APPEARANCES:

NICOR GAS COMPANY, by
MR. DOUG RIVERA
1844 Ferry Road
Naperville, Illinois 60563
(630) 388-2457
for Nicor;

MS. JACKIE PERRI (for Matthew Perri)
Appearing Pro se

SULLIVAN REPORTING COMPANY, by
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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-direct</u>	<u>Re-cross</u>	<u>By Examiner</u>
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(None presented.)

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
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(None marked.)

1 JUDGE HAYNES: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 09-0371.

4 This is the complaint of Jackie Perri
5 for Matthew Perri versus Northern Illinois Gas
6 Company.

7 May I have your name and address for
8 the record.

9 MS. PERRI: Jackie Perri, 18504 Bellamy,
10 Country Club Hills, Illinois 60478.

11 MR. RIVERA: Doug Rivera, Nicor Gas, 1844 Ferry
12 Road, Naperville, Illinois 60563. Phone number is
13 (630) 388-2457.

14 JUDGE HAYNES: Okay. This is the first time
15 this case is up, obviously.

16 And we won't be having the actual
17 hearing today. We'll discuss scheduling and give the
18 parties an opportunity to talk about, perhaps,
19 reaching an agreement on it.

20 But I did have a question before we go
21 any farther about who the -- it says Jackie Perri for
22 Matthew Perri, so who is the account holder?

23 MS. PERRI: My husband, Matthew Perri.

24 JUDGE HAYNES: And your name is not on the

1 account at all as far as you know?

2 MS. PERRI: No.

3 JUDGE HAYNES: And why is he not able to be
4 here?

5 MS. PERRI: His mother just had cancer surgery
6 yesterday, so he is at the hospital in Madison,
7 Wisconsin.

8 JUDGE HAYNES: I assume, though, you're here
9 though with his knowledge?

10 MS. PERRI: Of course.

11 Do you want me to put him on
12 speakerphone?

13 JUDGE HAYNES: Well, I think that, you know, I
14 can go ahead and explain the process here and we can
15 set a schedule.

16 MS. PERRI: Okay.

17 JUDGE HAYNES: However, I have a feeling that
18 before any -- if the parties do reach some sort of
19 agreement, we would need the actual account holder to
20 sign off on any paperwork or for the actual
21 evidentiary hearing, if we make it that far,
22 Mr. Perri would probably need to be here.

23 MS. PERRI: Okay. Well, I usually have handled
24 this up to this point because I usually handle all

1 the bills in the household, so...

2 JUDGE HAYNES: I have no problem with you being
3 here to talk and we'll set a scheduled, and I can
4 understand the situation, just the fact that your
5 name isn't on the account, so you wouldn't be able to
6 sign off on anything necessarily.

7 MR. RIVERA: We may not get to that point.

8 If we do, we can cross that bridge.

9 JUDGE HAYNES: Sure. I was just curious about
10 the whole Jackie Perri for Matthew Perri. So you've
11 explained it. Thank you.

12 So today we'll set a schedule, and
13 I'll let the parties have the room after we are done
14 talking here and you can exchange any documents you
15 have and, you know, maybe sitting in the same room
16 together, you'll be able to come to some sort of
17 understanding, you never know.

18 First, the parties, besides today and
19 what you have today, you can exchange, but the
20 parties need to have an opportunity to conduct
21 discovery, which is exchanging any documents you
22 might have, you can get your account records from the
23 Company.

24 And then once the parties are done

1 with that, then we can have an actual evidentiary
2 hearing and at that time is when you would present
3 your testimony and any papers or witnesses, any
4 evidence you might have to support your complaint for
5 why you believe the billing is incorrect.

6 At that actual evidentiary hearing, I
7 don't issue a decision at that time. There is a
8 written decision issued by the Commission.

9 So just looking at your complaint, I
10 had another question. What you're saying here is
11 that the address on -- the bills from Bellamy Road
12 were transferred to your home account?

13 MS. PERRI: No, there were two bills
14 transferred to my home account on Bellamy.

15 JUDGE HAYNES: Oh, your home is Bellamy?

16 MS. PERRI: Right.

17 JUDGE HAYNES: And what were the two accounts
18 that were transferred to your home account?

19 MS. PERRI: I will give you the addresses 15729
20 Paulina in Harvey and 16350 Laflin in Markham.

21 JUDGE HAYNES: And were these rental
22 properties?

23 MS. PERRI: Yes.

24 JUDGE HAYNES: That you and your husband own?

1 MS. PERRI: Yes. Well, they were purchased.
2 We purchased them in February of '08.

3 JUDGE HAYNES: Both of them?

4 MS. PERRI: Yes. No one was living there. They
5 were vacant.

6 JUDGE HAYNES: And when were the balances
7 transferred?

8 MS. PERRI: I'm not for sure when they were
9 transferred. They didn't give me the actual date of
10 when they were transferred. They just gave me the
11 amount.

12 MR. RIVERA: She might be able to give you
13 that.

14 JUDGE HAYNES: I'm just trying to figure out
15 what dates were here, but it was after February of
16 '08.

17 MS. PERRI: Correct.

18 JUDGE HAYNES: And have you paid these amounts
19 or you just not paid and then your service has been
20 discontinued?

21 MS. PERRI: I have not paid those amounts
22 because they were astronomical for us only owning the
23 property for four months and no appliances or
24 furnaces in either property. And they finally

1 corrected the bill, and I still don't even know if
2 that's right. They sent me a corrected copy July the
3 6th, but they turned my service off in June.

4 JUDGE HAYNES: So your service is still off at
5 home?

6 MS. PERRI: Correct.

7 JUDGE HAYNES: Do you have service at these two
8 rental properties?

9 MS. PERRI: Yes, I do. They're rented now.

10 JUDGE HAYNES: And you have tenants?

11 MS. PERRI: Correct.

12 JUDGE HAYNES: Okay. So four months -- am I
13 counting wrong from February of '08 or do you mean
14 you bought them in February of '09?

15 MS. PERRI: Of '08.

16 MR. RIVERA: Your Honor, can I add something
17 here?

18 JUDGE HAYNES: Sure.

19 MR. RIVERA: So we have an account at the
20 Paulina address with a bill from February of '08
21 through June of '08 for \$285.36.

22 JUDGE HAYNES: Okay.

23 MR. RIVERA: And then we have a bill at the
24 Laflin address from February '08 through November of

1 '08 for \$479.21, and this is after the correction
2 which took place on --

3 JUDGE HAYNES: In July of this year?

4 MR. RIVERA: Of April.

5 MS. MITCHELL: So the first.

6 JUDGE HAYNES: So the first one for Paulina was
7 February '08 to what?

8 MR. RIVERA: June 27, 2008.

9 JUDGE HAYNES: Okay. So do you dispute that
10 amount, as well?

11 MS. PERRI: No, they just sent this to me in
12 July of '09.

13 MR. RIVERA: The correction, right, in April.

14 MS. PERRI: Right.

15 I was still getting high bills. I
16 don't think it was in April because I spoke to her in
17 June and whoever it was -- I think.

18 MS. MITCHELL: Michelle or Amy.

19 MS. PERRI: Right. They said they would go
20 over the bills and that's when they sent me this
21 letter, July the 6th, but my gas had already been
22 disconnected.

23 JUDGE HAYNES: And since that time and the
24 property was rented, the bills are current? It's

1 just that period of time when you first bought the
2 property that's in dispute?

3 MS. PERRI: Correct because they transferred
4 thousands of dollars into my account, which made my
5 home account over \$3,000, that's when I started
6 disputing the bills.

7 JUDGE HAYNES: Do you dispute \$3,000 or are you
8 disputing this new account? I'm just trying to
9 figure this out.

10 MS. PERRI: Since the bills were all -- they
11 were not correct to begin with, I don't think they
12 ever read the meter to be perfectly honest.

13 MS. MITCHELL: The meter is read every other
14 month.

15 MS. PERRI: Well, I'm still getting bills at my
16 home and my service is disconnected and I'm still
17 getting bills from Nicor saying I owe them money for
18 service I don't even have and my service has is
19 disconnected.

20 MS. MITCHELL: The last bill would have been
21 September 3rd.

22 MS. PERRI: I got disconnected sometime in
23 June. The bill is due September 19th.

24 MS. MITCHELL: That's actually --

1 MS. PERRI: September 18, '09, I got a bill,
2 and my service has been disconnected since June.
3 MS. MITCHELL: September 18th.
4 MS. PERRI: Yes.
5 MS. MITCHELL: That's billing through June 11th
6 '09, it's a delayed bill for your address.
7 MR. RIVERA: Show her that date.
8 We were on the same page.
9 MS. MITCHELL: We were looking at the same one,
10 that's why I was asking her.
11 MR. RIVERA: Show her the June date so it's
12 clear to her.
13 MS. PERRI: I have delivery charges 5/27/09 to
14 8/27/09.
15 MS. MITCHELL: There's another bill.
16 MS. PERRI: This is it. This is what they sent
17 to my home.
18 MS. MITCHELL: This is 8/27. You don't have the
19 last bill?
20 MS. PERRI: No.
21 MS. MITCHELL: Maybe you haven't gotten it yet.
22 Here, there is copies of everything. The last bill
23 is the last two pages. That does bill through May,
24 as she said.

1 The service was disconnected in June,
2 so there was still another final bill billing her
3 through the disconnection.

4 JUDGE HAYNES: Well, I guess I was trying to
5 figure out the time periods which is clear.

6 MS. PERRI: This is not what they sent me.

7 MS. MITCHELL: You haven't received it.

8 MS. PERRI: I called them and said I don't have
9 gas service, so why are you still billing me, they
10 said they would correct it.

11 MS. MITCHELL: It's not corrected. It's
12 through the end of when you got disconnected.

13 MS. PERRI: This one is from August?

14 JUDGE HAYNES: It takes off the August charges.

15 MS. MITCHELL: The billing dates is through --

16 MS. PERRI: August the 27th. That says
17 August 27th.

18 MS. MITCHELL: It does.

19 JUDGE HAYNES: So on the complaint here, the
20 \$3,000 you mentioned, that might have been changed,
21 corrected by the Company?

22 MS. PERRI: It was changed, right. It was
23 changed twice once I started complaining that that's
24 impossible.

1 JUDGE HAYNES: Sure.

2 And so do you know what amount you're
3 disputing now?

4 MS. PERRI: I'm disputing the fact they turned
5 my gas off without even my knowledge.

6 And on the Commerce Commission
7 information, it says they should at least contact me
8 or put a posted note at my home or call on the phone.
9 They did nothing. I just happen to go thinking I was
10 going to cook dinner and had no gas.

11 So I called the gas company and said
12 "What's going on." They said, "We disconnected you
13 for nonpayment." I said, "These bills are in
14 dispute. I thought you weren't disconnecting in a
15 dispute situation."

16 JUDGE HAYNES: Okay. And you never received
17 any notice that you were going to be disconnected?

18 MS. PERRI: If they sent it to my home, at that
19 time I did not have a mailbox up. That's a fairly
20 new constructed house."

21 MS. MITCHELL: I think it went to a P.O. Box.

22 MR. RIVERA: 23801.

23 MS. PERRI: I do have that post office box.

24 JUDGE HAYNES: It sounds like you guys might be

1 able to talk through some numbers here.

2 MR. RIVERA: Yeah, we will try.

3 MS. PERRI: And hopefully getting the Perri
4 service turned back on before the weather gets cold.
5 It hopefully won't be too soon before the weather
6 gets cold.

7 I think what we should do rather than
8 schedule it for an evidentiary hearing because that
9 might take a while for parties to be ready for that,
10 let's have another status before it is cold and make
11 sure that this is back on track and hopefully we can
12 get the service back on soon.

13 So maybe within a month we can meet
14 again to see how discussions are going at the very
15 least, getting their service turned back on.

16 And at that time, if the parties
17 haven't reached an agreement, then we can go ahead
18 and schedule a date for the actual hearing, and then
19 maybe your husband would be available and we could
20 make sure the dates work for every one.

21 So is the week of October 5th any date
22 in there better for people?

23 Let's go off the record for a second.

24

1 (Whereupon, a discussion was had
2 off the record.)

3 JUDGE HAYNES: So I'm going to let the parties
4 stay in this room and hopefully have an opportunity
5 to discuss the issues and also exchange copies of
6 documents you might have.

7 And other than that, it will be
8 continued until October 8th at 11:00 a.m.

9 Did you have any questions about the
10 process, Ms. Perri?

11 MS. PERRI: A comment that you made that we
12 wouldn't be able to sign off on anything because
13 Mr. Perri is not here?

14 JUDGE HAYNES: You know, even if you come to an
15 agreement, you can exchange a document.

16 MR. RIVERA: Yeah, we would be mailing it to
17 you anyway for him to sign off on, so that wouldn't
18 be an issue because it wouldn't be signed today
19 anyway.

20 MS. PERRI: I just have a comment because this
21 address at Paulina, we never had that service in our
22 name to begin with. They just stuck it on with our
23 bill. They said they found out we were the owner.

24 And if we call up for any of our

1 tenants, Nicor will not talk to us regarding their
2 bill, so how are they allowed to in a dispute
3 situation, if the tenant leaves, and I'm aware of the
4 bill, it's going to be tacked on to my home?

5 MR. RIVERA: We can discuss that. We have a
6 document she can sign and we can go over that.

7 JUDGE HAYNES: Okay. With how that would you
8 dealt with in the future?

9 MR. RIVERA: Yeah. Did you want to discuss it
10 now?

11 JUDGE HAYNES: What is that document?

12 MS. MITCHELL: It's a Landlord Agreement, which
13 basically gives you and the husband the right to say
14 once the tenant moves out to either start service
15 directly in your name or turn the gas off, so no one
16 would be responsible for any gas. There is no gas
17 being used.

18 MS. PERRI: What if they leave a balance there,
19 the gas bill there?

20 MS. MITCHELL: As long as you can prove there
21 is a tenant there, you would not be responsible. I
22 will give that to you now.

23 JUDGE HAYNES: Ms. Perri, you believe this
24 transfer was before you owned the property?

1 MS. PERRI: It was. They transferred thousands
2 of dollars from each account.

3 When we bought -- purchased the
4 property, there was no appliances in there. There
5 was no furnace. It was a foreclosure. They ripped
6 all that stuff out.

7 Before we started working on, they
8 were ripping out the stuff we were putting in there.
9 So the appliances were the last thing we put in
10 there.

11 JUDGE HAYNES: The \$800 roughly, for the
12 balance right now, is for usage just from February of
13 '08; is that correct?

14 MS. PERRI: That's what they're stating, yeah.

15 JUDGE HAYNES: Okay. Any other questions?

16 MS. PERRI: That's it.

17 JUDGE HAYNES: Okay. Hopefully, you will reach
18 an agreement. If you do reach an agreement, you can
19 call me we will cancel the October 8th.

20 But, otherwise, we will talk
21 October 8th to set a further schedule in this matter.
22 Okay.

23 MS. PERRI: Okay.

24 MR. RIVERA: Thank you.

1 (Whereupon, these proceedings
2 were continued to
3 October 8, 2009.)
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